

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**L.B., by her next friend and parents,
SAMANTHA BROWN and HENRY BROWN**

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:23cv124 TBM-BWR

**HARRISON COUNTY SCHOOL DISTRICT;
HARRISON COUNTY SCHOOL BOARD;
MITCHELL KING, the Superintendent of
Harrison County School District; and
KELLY FULLER, the Principal of Harrison
Central High School**

DEFENDANTS

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

DECLARATION

Under 28 U.S.C. §1746, Mitchell King makes the following Declaration.

1. I am Mitchell King. I am the Superintendent of the Harrison County School District. I am an adult resident citizen of Harrison County, Mississippi, and make this Declaration on my personal knowledge.

2. The Harrison County School District Secondary Student Handbook (**Doc. 2-5, at 2-3**) refers to Graduation Regalia and to Policy No. IHFC and a Commencement Participation Agreement that is signed by a parent and a person who has finished school work and satisfied the requirements to receive a diploma.

3. Policy No. IHFC (the Policy) is attached as Exhibit 1. The Plaintiffs' filings do not attach Policy IHFC.

4. The Commencement Participation Agreement L.B. and his parent signed, dated March 9 and 14, 2023, and submitted to the District is attached as Exhibit 2.

5. L.B.'s Commencement Participation Agreement refers to Policy IHFC and notes that participation in a Graduation Commencement Ceremony is voluntary, and that receiving a diploma does not depend on participation in the Graduation Commencement Ceremony. I am not aware of any state mandate to hold a graduation ceremony.

6. L.B. and the parent agreed in writing in March, 2023 to follow the Graduation Commencement dress code and obey all school rules and School Board policies.

7. The District's Handbooks and Graduation Policy are online, and have been for many years. At the beginning of each school year, students and parents are aware of policies by virtue of those policies being online.

8. The Harrison County School District has 3 high schools. L.B. was a student at one of the District's 3 high schools for the 2022-23 school year. The 2022-23 school year has ended.

9. L.B. has completed all secondary school graduation requirements to receive a diploma from the District. L.B. has no further school work to do, and is no longer a student in the District for school year 2022-23 with course work in or outside the classroom to complete. L.B. will receive a high school diploma.

10. The District is required to comply with the Mississippi Department of Education Manual Of Directions for records attached as Exhibit 3. Under the Manual, the District is required to use a student's available birth certificate to obtain information for a student's Cumulative Folder. A birth certificate means a certificate issued by the Bureau of Vital Statistics. (**Ex. 3, at 18**).

11. The District must take information from the available birth certificate, and record whether the student is male or female. (**Ex. 3, at 19**). This information from the

available birth certificate is also recorded in the student's Permanent Record as required by the Manual that references *Miss. Code Ann. §37-15-1*. (**Ex. 3, at 29-30**).

12. Under the directive of state law and the Mississippi Department of Education Manual, L.B. is listed as male in the District's records, which is L.B.'s biological sex.

13. The District has not treated L.B. different from other similarly situated people who have completed requirements to receive a high school diploma within the District for the 2022-23 school year who have made inquiry to the District about wearing attire that does not comply with the graduation dress code and a signed Commencement Participation Agreement.

14. The voluntary Graduation Commencement Ceremony is a school-sponsored event that is meant as a formal, dignified, and solemn occasion to promote the District's mission and goals and standards of the community.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 19th day of May, 2023.



MITCHELL KING